

JAN 22 2009

ORDINANCE NO. 2008 -054

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA AMENDING THE 1989 COMPREHENSIVE PLAN AS ADOPTED BY ORDINANCE NO. 89-17, AS AMENDED; AMENDING THE INTRODUCTION AND ADMINISTRATION ELEMENT AND FUTURE LAND USE ELEMENT (TO DEFINE **FLEX SPACE** AND TO ALLOW FLEX SPACE IN INDUSTRIAL AND COMMERCIAL HIGH FUTURE LAND USE DESIGNATIONS); AND THE TRANSPORTATION ELEMENT AND MAP SERIES (TO UPDATE **AIRPORT MASTER PLAN** INCORPORATION DATES AND TO UPDATE THE MAP 8.1, FUTURE 2020 COUNTY AIRPORT CLEAR ZONES, FOR CONSISTENCY WITH THE REVISED AIRPORT MASTER PLANS); AND AMENDING ALL ELEMENTS AS NECESSARY; PROVIDING FOR REPEAL OF LAWS IN CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE 1989 COMPREHENSIVE PLAN; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, on August 31, 1989, the Palm Beach County Board of County Commissioners adopted the 1989 Comprehensive Plan by Ordinance No. 89-17;

WHEREAS, the Palm Beach County Board of County Commissioners amends the 1989 Comprehensive Plan as provided by Chapter 163, Part II, Florida Statutes; and

WHEREAS, the Palm Beach County Board of County Commissioners have initiated amendments to several elements of the Comprehensive Plan in order to promote the health, safety and welfare of the public of Palm Beach County; and

WHEREAS, the Palm Beach County Local Planning Agency conducted its public hearings on June 6 & 27, and July 11, 2008 to review the proposed amendments to the Palm Beach County Comprehensive Plan and made recommendations regarding the proposed amendments to the Palm Beach County Board of County Commissioners pursuant to Chapter 163, Part II, Florida Statutes; and

WHEREAS, the Palm Beach County Board of County Commissioners, as the governing body of Palm Beach County, conducted a public hearing pursuant to Chapter 163, Part II, Florida Statutes, on July 23, 2008 to review the recommendations of the Local Planning Agency, whereupon the Board of County Commissioners authorized transmittal of proposed amendments to the Department of Community Affairs for review and comment pursuant to Chapter 163, Part II, Florida Statutes; and

WHEREAS, Palm Beach County received the Department of Community Affairs "Objections, Recommendations, and Comments

Report," dated October 7, 2008 which was the Department's written review of the proposed Comprehensive Plan amendments; and

WHEREAS, the written comments submitted by the Department of Community Affairs contained no objections to the amendments contained in this ordinance;

WHEREAS, on December 3, 2008 the Palm Beach County Board of County Commissioners held a public hearing to review the written comments submitted by the Department of Community Affairs and to consider adoption of the amendments; and

WHEREAS, the Palm Beach County Board of County Commissioners has determined that the amendments comply with all requirements of the Local Government Comprehensive Planning and Land Development Regulation Act.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, that:

Part I. Amendments to the 1989 Comprehensive Plan

Amendments to the text of the following Elements of the 1989 Comprehensive Plan are hereby adopted and attached to this Ordinance in Exhibits 1 and 2:

1. **Industrial Flex Space**, to define flex space and to allow in Industrial and Commercial High future land use designations,
 - A. Introduction and Administration Element,
 - B. Future Land Use Element;
2. **Revised Airport Master Plans**, to incorporate the four County airports' revised master plans into the Comprehensive Plan and to update the Airport Clear Zones Map accordingly,
 - A. Transportation Element,
 - B. Future 2020 County Airport Clear Zones Map, TE 8.1;

Part II. Repeal of Laws in Conflict

All local laws and ordinances applying to the unincorporated area of Palm Beach County in conflict with any provision of this ordinance are hereby repealed to the extent of such conflict.

Part III. Severability

If any section, paragraph, sentence, clause, phrase, or word of this Ordinance is for any reason held by the Court to be

unconstitutional, inoperative or void, such holding shall not affect the remainder of this Ordinance.

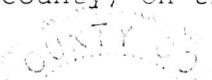
Part IV. Inclusion in the 1989 Comprehensive Plan

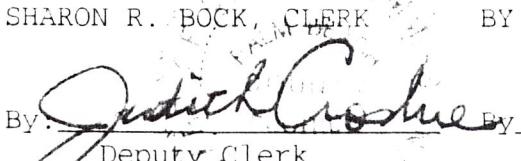
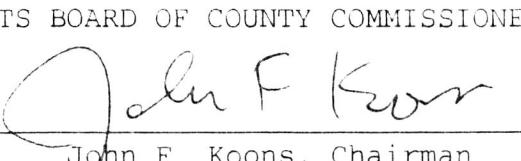
The provision of this Ordinance shall become and be made a part of the 1989 Palm Beach County Comprehensive Plan. The Sections of the Ordinance may be renumbered or relettered to accomplish such, and the word "ordinance" may be changed to "section," "article," or any other appropriate word.

Part V. Effective Date

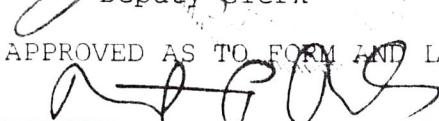
The effective date of this plan amendment shall be the date a final order is issued by the Department of Community Affairs or Administration Commission finding the amendment in compliance in accordance with Section 163.3184(1)(b), Florida Statutes, whichever is applicable. No development orders, development permits, or land uses dependent on this amendment may be issued or commence before it has become effective. If a final order of noncompliance is issued by the Administration Commission, this amendment may nevertheless be made effective by adoption of a resolution affirming its effective status, a copy of which resolution shall be sent to the Florida Department of Community Affairs, Division of Community Planning, Plan Processing Team. An adopted amendment whose effective date is delayed by law shall be considered part of the adopted plan until determined to be not in compliance by final order of the Administration Commission. Then, it shall no longer be part of the adopted plan unless the local government adopts a resolution affirming its effectiveness in the manner provided by law.

APPROVED AND ADOPTED by the Board of County Commissioners of Palm Beach County, on the 3rd day of December, 2008.

ATTEST:  PALM BEACH COUNTY, FLORIDA,
SHARON R. BOCK, CLERK BY ITS BOARD OF COUNTY COMMISSIONERS

By:  John F. Koons
Deputy Clerk  Chairman

APPROVED AS TO FORM AND LEGAL SUFFICIENCY


John F. Koons

COUNTY ATTORNEY

Filed with the Department of State on the 10th day of December, 2008.

To: planning\AMEND-08-2 admin\beccadpt ordinances\ra-Flex-Airport.doc

EXHIBIT 1

A. Introduction and Administration Element, Industrial Flex Space

REVISIONS: To add a definition for Flex Space. The added text is shown underlined below.

COMPREHENSIVE PLAN DEFINITIONS

FLEX SPACE - A mix of uses allowed in the Industrial and Commercial future land use designations. Flex space allows each use to be a flexible percentage of the permitted uses. The uses shall predominately consist of light and medium industrial uses and commercial high uses and related services, such as research and development, office, retail accessory to industrial activities, light to medium industrial processing. Flex space uses shall consist of no less than 30% retail, accessory to industrial uses, and office combined, and no more than 70% light industrial/warehouse uses of the total uses allowed, as determined in the Unified Land Development Code (ULDC).

B. Future Land Use Element, Industrial Flex Space

REVISIONS: To add provisions for Flex Space. The added text is shown underlined below, and deleted text ~~struck-out~~.

2.2.2 Commercial

Policy 2.2.2-a: The County shall apply the following range of commercial future land use categories at appropriate locations and intensities to satisfy the need for commercial space. One of these categories shall be designated on the Future Land Use Atlas once a future land use amendment for a commercial designation is approved.

Unaltered text omitted for brevity

2. Commercial High (CH) Intensity - The CH category shall include a wide range of uses, intended to serve a community and/or regional commercial demand. The CH category shall only be applied in the Urban/Suburban Tier. The land development regulations developed to implement the CH category shall contain site design requirements to ensure compatibility with adjacent uses. The CH category shall also permit Flex Space;

2.2.4 Industrial

Policy 2.2.4-a: The County shall apply the following range of Industrial future land use categories at appropriate locations and intensities to satisfy the need for industrial space and to promote economic development consistent with the County's economic development directives. The County shall also encourage a broad range of employment opportunities by permitting Flex Space Objectives in the Economic Element.

EXHIBIT 2

A. Transportation Element, Airport Master Plans Incorporation

REVISIONS: To revise TE Objective 1.7 to change the dates of incorporation for each of the Airport Master Plans. The revisions are shown below with the added text underlined and the deleted text ~~struck out~~.

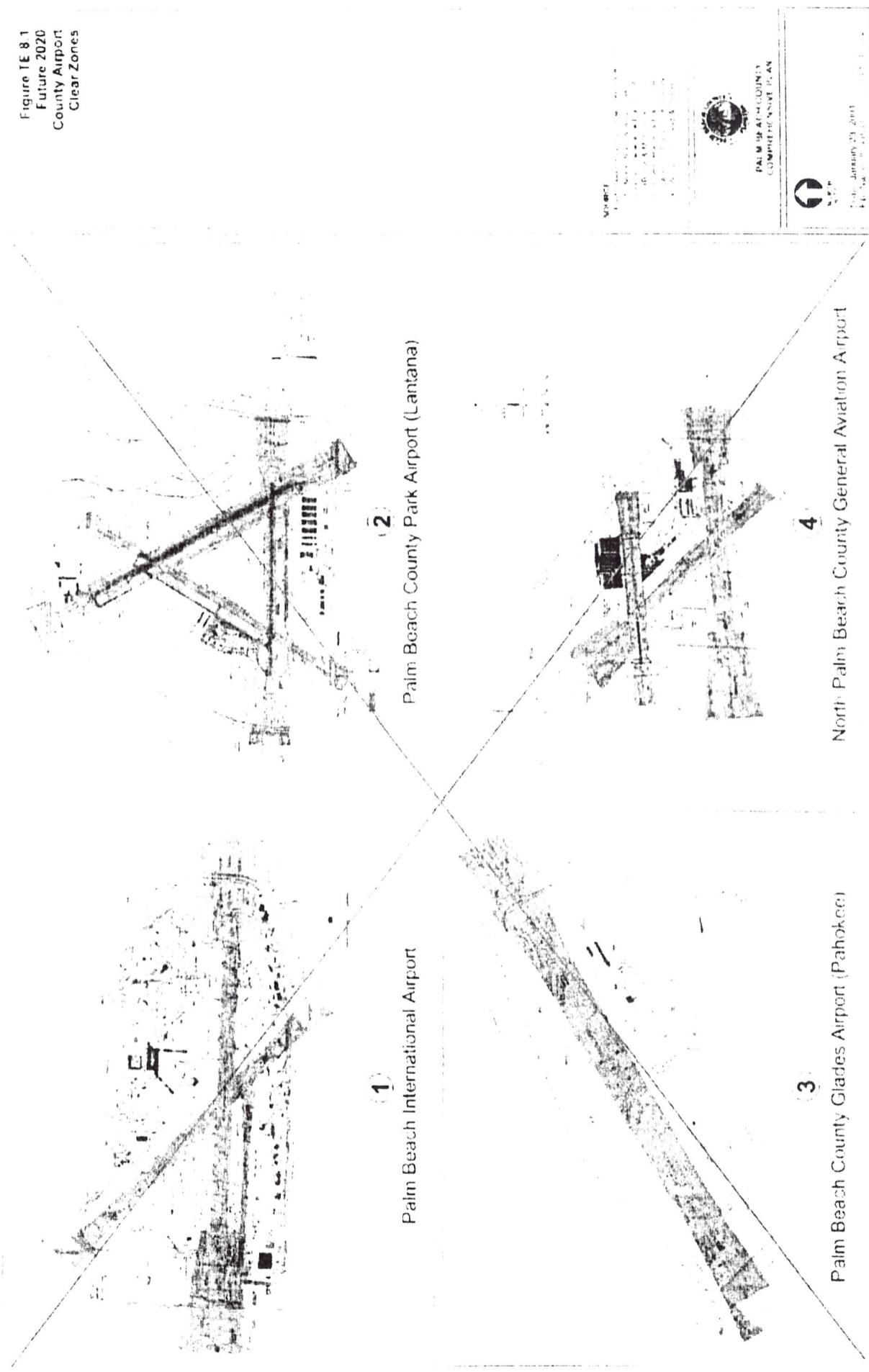
OBJECTIVE 1.7 Future Airport Expansion

Palm Beach County has incorporated the four County-operated Airport Master Plans into its Comprehensive Plan, pursuant to F.S. 163.3177(6)(k),(2002). The dates of the Airport Master Plans incorporated into this Comprehensive Plan are shown below:

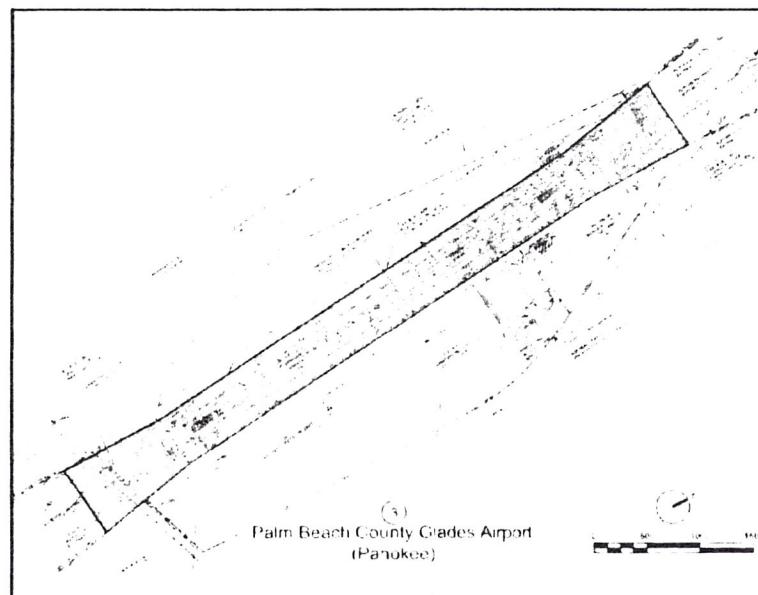
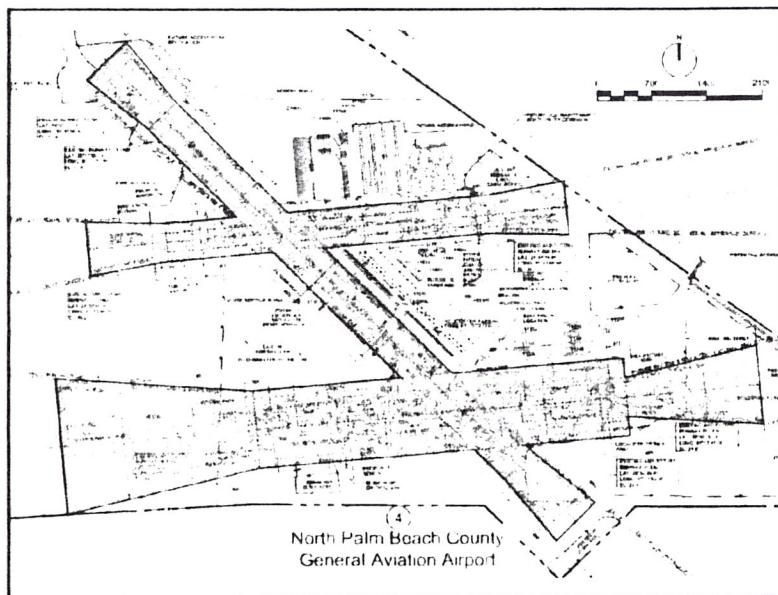
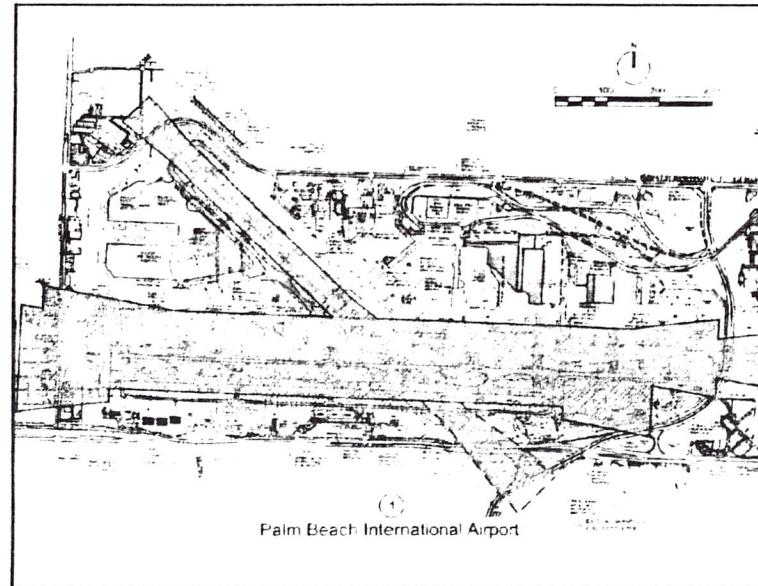
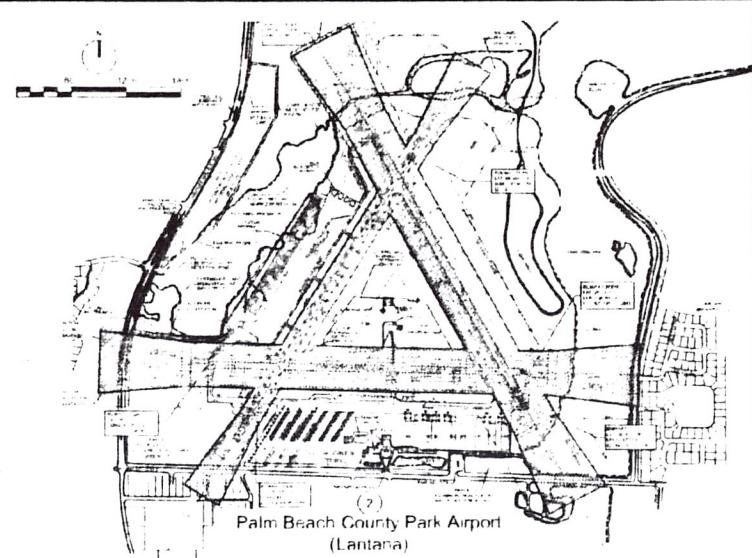
Palm Beach International Airport – January 2001 October 2006
Palm Beach County Glades Airport – ~~October 1990~~ October 2006
Palm Beach County Park Airport – ~~May 2000~~ October 2006
North Palm Beach County General Aviation Airport – ~~May 1996~~ October 2006

B. Map Series, Future 2020 County Airport Clear Zones Map TE 8.1, Airport Master Plans Incorporation

REVISIONS: To update TE Map 8, Future 2020 County Airport Clear Zones, to maintain consistency with the revised Airport Master Plans. The original map is shown struck out below, and the newly adopted version is on the next page.



MAP TE 8.1
FUTURE 2020 COUNTY
AIRPORT CLEAR ZONES



STATE OF FLORIDA COUNTY OF PALM BEACH
1. SMALL AIRPORTS AND AIRPORTS OF COMMERCIAL
CARRYING CAPACITY
dated 12/18/08
December 2008

By: Deanne Brown
Deanne Brown
County Airports
Palm Beach County

MAP TE 8.1
FUTURE 2020 COUNTY
AIRPORT CLEAR ZONES

PALM BEACH COUNTY
COMPREHENSIVE PLAN
MAP SERIES